

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Gerard BRADLEY et al.)	Group Art Unit: 1796
Application No.: 10/567,915)	Examiner: Jaison P. Thomas
Filed: October 31, 2006)	Confirmation No.: 7330
For: ELECTROSTATIC COMPOSITION)	
BASED ON A POLYAMIDE MATRIX)	

RESPONSE TO RESTRICTION AND SPECIES ELECTION REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Restriction and Species Election Requirements ("Action") mailed October 1, 2009, Applicants submit herewith the following response.

The Examiner sets forth a Restriction Requirement which is detailed at page 2 of the Action.

Applicants respectfully traverse the Restriction Requirement as set forth by the Examiner. Moreover, Applicants respectfully assert that Groups I - III should properly be examined together. Further, Applicants submit that Groups I - III are closely related and that a proper search of any of the claims should, by necessity, require a proper search of the others. Thus, Applicants submit that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants submit that any nominal burden placed upon the Examiner to search accordingly to determine the art relevant to all pending claims is significantly outweighed by the public's interest in not having to obtain and study many separate patents in order to have available all of the issued patent claims covering all claims related to the present disclosure. The alternative is to proceed with the filing of numerous applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This process would place an unnecessary burden on both the Patent and Trademark Office and on the Applicants.

Regardless of whether the three groups are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the application. M.P.E.P. § 803 requires that if "the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions". Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the Restriction Requirement are requested.

Nevertheless, Applicants hereby elect, with traverse, Group I (*i.e.*, claims 20-32). Applicants further elect, with traverse, for the purposes of searching only - the antistatic agent of claim 28. According to the Examiner, claim 28 corresponds with claims 29 and 30 and the generic claims include claims 20-26 and 31-38. (Action, Page 3).

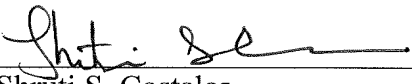
In making the species election, Applicants understand that the Office will follow the procedure set forth in M.P.E.P. § 809.02, which provides for a complete action on the merits of all claims readable on the elected species, and in M.P.E.P. § 803.02, whereby on the finding of allowable species, examination will continue with the non-elected species until all species have been examined or a non-allowable species is found.

Applicants have no intention of abandoning any non-elected subject matter and should it be necessary, Applicants expressly reserve the right to file one or more continuation and/or divisional applications directed to non-elected subject matter.

The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,
BUCHANAN INGERSOLL & ROONEY PC

Dated: October 21, 2009

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